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JC02 Rec'd PC-TO 09 JUN 2005
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267.184

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
TRIFONI et al
Serial No.: 10/517,982 ✓
Filed: December 13, 2004
For: MEMBRANE...GENERATOR

RECEIVED

18 JAN 2006

June 9, 2005

PETITION UNDER RULE 47(a)

Legal Staff
International Division

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Assignee of the above-identified application, Nuvera Fuel Cells Europe S.r.l., petitions the Commissioner of Patents and Trademarks to accept the filing of the above application under the provisions of Rule 47(a) since the inventors Eduardo Trifoni and Matteo Lenardon have refused to execute the application. The inventors Daniele Facchi and Luca Merlo executed the original declaration filed with the application and Applicants are submitting herewith another declaration executed by the inventor Paolo Binelli. Also submitted is the assignment executed by the latter inventor.

06/16/2005 MKAYPAGH 00000088 10517982

01 FC:1464

130.00 OP

As can be send from Ms. Tuosto's declaration filed herewith, she mailed the above application and assignment to Eduardo Trifoni at his home address and then contacted him by telephone on July 30, 2004 with a request for the return of the executed documents. She followed up by telephone on September 8, 2004, October 22, 2004 and

November 19, 2004 for the return of the executed documents without success. With a letter of November 27, 2004, Eduardo Trifoni¹ returned the assignment unsigned by a letter filed herewith and an English translation thereof indicating that he was refusing to sign the documents without adequate compensation.

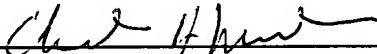
Anna Tuosto on September 9, 2004 mailed the declaration and assignment to Mateo Lenardon for execution, a copy of which is enclosed. Ms. Tuosto spoke to his mother by telephone on October 11, 2004 about his returning the documents and left a message on Mr. Lenardon's answering machine on October 19, 2004 asking for the return of the documents. She spoke to him by telephone on October 20, 2004 asking him to return the executed documents during which conversation he said he wished to think the matter over. To date, he has never returned the executed documents.

Mr. Eduardo Trifoni and Mateo Lenardon executed on March 6, 2003 after leaving Nuvera Fuel Cells Europe S.r.l. an authorization to file before WIPO the PCT application designating all of the countries including the United States, a copy of which is enclosed herewith. The two inventors were employees of Nuvera Fuel Cells Europe S.r.l. at the time of filing the Italian priority application on June 17, 2002 and their employment and affiliation with Nuvera Fuel Cells Europe S.r.l. had been terminated. However, in accordance with the Italian law, the rights of an employee/inventor belong to his employer and accordingly, all rights of said inventors in the invention described and claimed in the international application belong to Nuvera Fuel Cells Europe S.r.l.

It is requested that the Patent Office accept the present application based on the above situation without the signature of Mateo Lenardon and Eduardo Trifoni.

Applicants are submitting herewith PTO Form-2038 authorizing the \$130.00 petition fee and the \$130.00 completion fee. Therefore, granting of the acceptance of the application under the provisions of Rule 47(a) is requested.

Respectfully submitted,
Hedman & Costigan

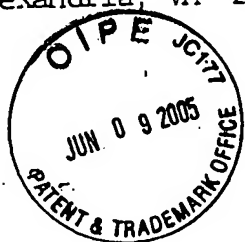


Charles A. Muserlian, 19,683
Attorney for Applicants
Tel.# (212) 302-8989

CAM:ds
Enclosures

"EXPRESS MAIL" Mailing Label Number ED 89982 494 345
Date of Deposit: June 9, 2005

I hereby certify that this correspondence is being deposited
with the United States Postal Service "EXPRESS MAIL POST OFFICE TO
ADDRESSEE" Service under 37 CFR 1.10 on the date indicated above
and is addressed to: Commissioner for Patents, PO Box 1450,
Alexandria, VA 22313-1450



S. Nakonieczny
Diane Nakonieczny

212 302 8989



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267.184

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: :
TRIFONI et al :
Serial No.: 10/517,982 :
Filed: December 13, 2004 :
For: MEMBRANE ELECTROCHEMICAL: :
GENERATOR :
475 Park Avenue South
New York, NY 10016

DECLARATION

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

That Daniele Facchi, a citizen of Italy residing at Via S. Anna 17, I-25038 Rovato, Italy, Gian Piero Fleba, a citizen of Italy residing at Via F. Villa 6, I-20134 Milano, Italy, Marcello Liotta, a citizen of Italy residing at Via della Cooperazione 117, I-20089 Rozzano, Italy, Luca Merlo, a citizen of Italy residing at Via Molera 12, I-22030 Montorfano, Italy, Ruben Ornelas Jacobo, a citizen of Italy residing at Via Gorki 20, I-20098 San Giuliano Milanese, Italy, Antonino Toro, a citizen of Italy residing at Via Marazzani 12, I-20132 Milano, Italy and Fabio Traini, a citizen of Italy residing at Via Pisani Dossi 31, I-20134 Milano, Italy hereby depose and say:

That they are the original, first joint inventors together with Eduardo Trifoni, a citizen of Italy residing at Via Donizetti 5, I-80127 Napoli, Italy and Matteo Lenardon, a citizen of Italy residing at Via Unione 2, I-22074 Lomazzo, Italy of the subject matter which is claimed and for which a patent is sought on the invention entitled:



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: :
TRIFONI et al :
Serial No.: 10/517,982 :
Filed: December 13, 2004 :
For: MEMBRANE ELECTROCHEMICAL: :
GENERATOR :

New York, NY 10036

DECLARATION

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Annie Tuosto hereby deposes and says

That on July 8, 2004, she mailed the above-identified application and Assignment to Eduardo Trifoni to his home address with the enclosed letter for execution.

That she contacted him by telephone on July 30, 2004 with a request for return of the executed document.

That she contacted him by telephone on September 8, 2004, October 22, 2004 and November 19, 2004 for return of the executed documents without success.

That with a letter of November 27, 2004, Eduardo Trifoni returned the Assignment unsigned by a letter filed herewith and an English translation filed herewith with a refusal to sign without adequate compensation.

That on September 9, 2004, the above application and Assignment were mailed to Matteo Lenardon for execution, a copy of which is enclosed.

That she spoke to his mother on October 11, 2004 about his returning the executed documents and left a similar message on his answering machine on October 19, 2004.

That she spoke to him by telephone on October 20, 2004 asking him to return the executed documents during which he said he wanted to think the matter over.

That he has never returned the executed documents.

That Eduardo Trifoni and Matteo Lenardon executed on March 6, 2003, after leaving Nuvera Fuel Cells Europe S.r.l., an Authorization to file before WIPO International Bureau to file the PCT Application, designating all the countries including the United States, a copy of which is enclosed.

That Eduardo Trifoni and Matteo Lenardon were employees of Nuvera Fuel Cells Europe S.r.l. at the time of filing the Italian priority application on April 23, 2002 and their employment and affiliation with Nuvera Fuel Cells Europe S.r.l. had been terminated.

That in accordance with Italian law (Section 23, first paragraph, of RD 1127/1939) the rights of an employee/inventor belong to his employer, and accordingly all rights of said inventors in the invention described and claimed in the international application belong to Nuvera Fuel Cells Europe S.r.l.

That on the basis of Italian law, Nuvera Fuel Cells Europe S.r.l. is the true and rightful owner of all rights in the above-identified international patent application, including the rights of all inventors, Eduardo Trifoni, Daniele Facchi, Gian Piero Fleba, Matteo Lenardon, Marcello Liotta, Luca Merlo, Ruben Ornelas Jacobo, Antonino Toro, and Fabio Traini, and may properly be identified as the applicant and owner in any national entry for the United States.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

By: Anna Tuosto
Anna Tuosto

Dated: May 16, 2005

Matteo Lenardon
Via Unione 2
22074 LOMAZZO (CO)

9 Settembre 2004

Caro Matteo

Devo disturbarti di nuovo per la firma dei documenti. Si tratta di due domande di brevetto: il caso 198 cosiddetto concetto Toyota e il caso 201 sul sistema iniezione acqua diretta utilizzando fori calibrati nel piatto bipolare. I documenti sono per l'estensione negli USA, Brasile e Canada (avevi già firmato i documenti per la domanda internazionale).

Ti mando una busta perché tu mi possa restituire i documenti.

Per qualsiasi dubbio, chiamami pure.

Affettuosi saluti

Dott. Ing.
Eduardo Trifoni
Via Donizetti 5
80127 Napoli (NA)

8 luglio 2004

Caro Eduardo

Devo disturbarti di nuovo per la firma dei documenti relativi alla domanda di brevetto di cui ti allego la pubblicazione. Ti mando la solita busta per la restituzione. Purtroppo una prolungata permanenza in questa ditta mi ha portato a comportamenti di tipo compulsivo, per cui ho messo tutti i bigliettini sui documenti. Spero non offendano troppo la tua intelligenza. Qui senza le freccette non firma nessuno ma quelle le ho omesse per te. Immagino che troverai dove firmare.

Credo che tu sia più aggiornato di me sulle novità NUVERA e non. Per quanto mi riguarda, sono incasinata come sempre, aiuti zero ma resisto.

Non riesco a trattenere un moto d'invidia per te che vivi vicino al mare, per non parlare dei dintorni. Io vivo in apnea tutta la settimana per rifarmi a Rapallo (sarebbe bellissima con circa una decimo delle abitazioni ma non potendo pretendere l'eliminazione di quanto esteticamente sconveniente e avendo comprato una casa del periodo della rapallizzazione, ben venga quello che c'è). Dopo queste massime di filosofia decrescenziana, ti saluto con tanto affetto.

cop. Antonio Maggiore

Gent.ma Anna Tuosto,
Ufficio Brevetti e Licenze
De Nora Tecnologie Elettrochimiche S.r.l. a Socio Unico
Via Bistolfi 35
20134 Milano

Napoli, 27/11/04

Il sottoscritto Eduardo Trifoni, nato a Pisa il 20/12/72 e residente in via Donizetti 5, Napoli, dipendente della Nuvera Fuel Cells Europe S.r.l. dal 12/06/00 all'11/06/02, Vi rimette gli assignment relativi ai brevetti WO03092091, WO03107465 privi di sottoscrizione.

Resto disponibile alla sottoscrizione degli stessi in considerazione di un equo corrispettivo.

Cordiali saluti

Eduardo Trifoni



Translation of the text :

Naples, 27 November 2004-12-20

I, Eduardo Trifoni, born in Pisa on December 20, 1972 and residing at Via Donizetti 5, Naples, employee of Nuvera Fuel Cells Europe from June 12, 2000 to June 11, 2002, return the assignments relating to patents WO03092091, WO03107465, without signature.

I am available to sign the same in consideration of an equitable compensation.

Best regards

Eduardo Trifoni

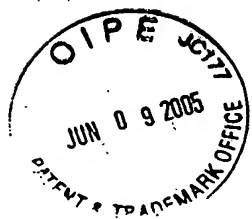
Dott. Ing.
Eduardo Trifoni
Via Donizetti 5
80127 Napoli (NA)

10 settembre 2004

Caro Eduardo

Come d'accordo ti mando anche i documenti per il caso 201 che potrai rispedirmi assieme a quelli per il caso 198 (che ti allego nuovamente, per sicurezza).

Grazie



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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TRIFONI et al :
Serial No.: 10/517,982 :
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For: MEMBRANE ELECTROCHEMICAL: :
GENERATOR :

475 Park Avenue South
New York, NY 10016

DECLARATION

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

That Daniele Facchi, a citizen of Italy residing at Via S. Anna 17, I-25038 Rovato, Italy, Gian Piero Fleba, a citizen of Italy residing at Via F. Villa 6, I-20134 Milano, Italy, Marcello Liotta, a citizen of Italy residing at Via della Cooperazione 117, I-20089 Rozzano, Italy, Luca Merlo, a citizen of Italy residing at Via Molera 12, I-22030 Montorfano, Italy, Ruben Ornelas Jacobo, a citizen of Italy residing at Via Gorki 20, I-20098 San Giuliano Milanese, Italy, Antonino Toro, a citizen of Italy residing at Via Marazzani 12, I-20132 Milano, Italy and Fabio Traini, a citizen of Italy residing at Via Pisani Dossi 31, I-20134 Milano, Italy hereby depose and say:

That they are the original, first joint inventors together with Eduardo Trifoni, a citizen of Italy residing at Via Donizetti 5, I-80127 Napoli, Italy and Matteo Lenardon, a citizen of Italy residing at Via Unione 2, I-22074 Lomazzo, Italy of the subject matter which is claimed and for which a patent is sought on the invention entitled:

MEMBRANE ELECTROCHEMICAL GENERATOR

I hereby state that I have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to the examination of this application as defined by 37 CFR 1.56.

FOREIGN AND DOMESTIC PRIORITY CLAIMS UNDER 35 USC 119 AND PRIOR FOREIGN/PCT APPLICATIONS

I hereby claim foreign or domestic priority benefits under 35 USC 119 or 365(b) for any United States provisional patent application or foreign application(s) for patent or inventor's or plant breeder's rights certificate(s) or under 35 USC 365(a) for any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's or plant breeder's rights certificate(s) or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

COUNTRY/APPLICATION NO. (if PCT, indicate "PCT")	DATE OF FILING (month/day/year)	PRIORITY CLAIMED UNDER 35 USC 119	
PCT/EP03/06327	06/16/03	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Italy/MI2002A	06/16/02	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
		<input type="checkbox"/> YES	<input type="checkbox"/> NO
		<input type="checkbox"/> YES	<input type="checkbox"/> NO

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC 120

I hereby claim the benefit under 35 USC 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of 35 USC 112, I acknowledge the duty to disclose material information as defined in 37 CFR 1.56 which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

PCT/US APPLICATION NO.	PCT/US FILING DATE	PATENTED	PENDING	ABANDONED
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

That Nuvera Fuel Cells Europe S.r.l. is the Applicant in the above-identified international application.

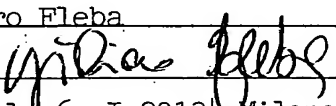
That Nuvera Fuel Cells Europe S.r.l. acquired the invention described and claimed in the international application and the Applicant of the Italian application.

That Daniele Facchi, Gian Piero Fleba, Marcello Liotta, Luca Merlo, Ruben Ornelas Jacobo, Antonino Toro and Fabio Traini have executed a document confirming that their rights in the invention belong to De Nora Elettrodi S.p.A.

That the other inventors, Eduardo Trifoni and Matteo Lenardon were named as joint inventors of the invention described and claimed in the above-identified Italian application.

INVENTOR IDENTIFICATION AND SIGNATURE

FULL NAME OF SOLE OR FIRST INVENTOR Daniele Facchi
INVENTOR'S SIGNATURE _____ DATE _____
RESIDENCE Via S. Anna 17, I-25038 Rovato, Italy CITIZENSHIP Italy
POST OFFICE ADDRESS _____

FULL NAME OF SECOND INVENTOR Gian Piero Fleba
INVENTOR'S SIGNATURE  DATE 28/04/2005
RESIDENCE Via F. Villa 6, I-20134 Milano, Italy CITIZENSHIP Italy
POST OFFICE ADDRESS _____

FULL NAME OF THIRD INVENTOR Marcello Liotta

INVENTOR'S SIGNATURE 

DATE 23/04/05

RESIDENCE Via della Cooperazione 117, I-20089
Rozzano, Italy

CITIZENSHIP Italy

POST OFFICE ADDRESS _____

FULL NAME OF FOURTH
INVENTOR Luca Merlo

INVENTOR'S SIGNATURE _____

DATE _____

RESIDENCE Via Molera 12, I-22030 Montorfano
Italy

CITIZENSHIP Italy

POST OFFICE
ADDRESS _____

FULL NAME OF FIFTH
INVENTOR Ruben Ornelas Jacobo

INVENTOR'S SIGNATURE _____

DATE _____

RESIDENCE Via Gorki 20, I-20098 San Giuliano
Milanese, Italy

CITIZENSHIP Italy

POST OFFICE ADDRESS _____

FULL NAME OF SIXTH
INVENTOR Antonino Toro

INVENTOR'S SIGNATURE 

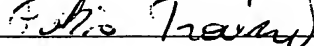
DATE 29/04/05

RESIDENCE Via Marazzani 12, I-20132 Milano, Italy

CITIZENSHIP Italy

POST OFFICE ADDRESS _____

FULL NAME OF SEVENTH INVENTOR Fabio Traini

INVENTOR'S SIGNATURE 

DATE 29/04/05

RESIDENCE Via Pisani Dossi 31, I-20134 Milano
Italy

CITIZENSHIP Italy

POST OFFICE ADDRESS _____